

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-16 are currently pending. Claims 1, 3, 5, 6, and 14-16 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claim 3 was objected to as containing an informality; and Claims 1-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2001/0033758 to Katsuyama (hereinafter “the ‘758 application”) in view of U.S. Patent Application Publication No. 2004/0037591 to Schlageter et al. (hereinafter “the ‘591 application”) and U.S. Patent No. 5,594,535 to Beaufort et al. (hereinafter “the ‘535 patent”).

Regarding the objection to Claim 3, Claim 3 has been amended in the manner suggested in the Office Action. Accordingly, the objection to Claim 3 is believed to have been overcome.

Amended Claim 1 is directed to a container holding device, comprising:

a container holding member for holding a container that is configured to be detachably attached to the container holding member, wherein the container includes a soft, bag-shaped member that stores contents, and shrinks as external pressure is applied or internal pressure is reduced, the container holding member configured to move between a first position that is a position at which the container is attached to or detached from the container holding member and a second position that is a position at which the contents of the container is configured to be discharged;

a moving unit that moves the container holding member between the first position and the second position; and

an external pressurizing unit that applies external pressure to the bag-shaped member at least while the container holding member is at the first position and the second position so that the bag-shaped member shrinks when the contents are

being discharged, wherein the external pressurizing unit applies a lower pressure to the bag-shaped member when the container holding member is at the first position than when the container holding member is at the second position.

Regarding the rejection of Claim 1 under 35 U.S.C. § 103(a), the '758 application is directed to a toner container for storing toner applicable to an electrophotographic image forming apparatus, a method of assembling the same, and a method of reducing the volume of the same. However, the Office Action apparently acknowledges, and it is respectfully submitted, that the '758 application fails to disclose the container holding member that is configured to move, the moving unit, and the external pressurizing unit, as defined in Claim 1.¹ Rather, the Office Action relies on the '591 application and the '535 patent for such teachings.

The '591 application is directed to a method of conveying toner material from a toner refill container in an electrographic printer or copier. In particular, the Office Action cites the '591 receptacle unit 60 and the lever 62 for teaching the container holding member that is configured to move and the moving unit, as recited in Claim 1. However, it is respectfully submitted that the '591 application fails to disclose an external pressurizing unit that applies external pressure to the bag-shaped member at least while the container holding member is at the first position and the second position so that the bag-shaped member shrinks when the contents are being discharged, wherein the external pressurizing unit applies a lower pressure to the bag-shaped member when the container holding member is at the first position than when the container holding member is at the second position. Moreover, the Office Action does not rely on the '591 application for such a teaching.

Further, it is respectfully submitted that the '535 patent fails to remedy the deficiencies of the '758 and '591 applications, as discussed above. The '535 patent is directed to a refillable toner cartridge. In particular, the Office Action cites optional spring

¹ See Office Action dated April 7, 2008, pages 2 and 3.

90 illustrated in Figs. 3 and 4 of the '535 patent, which applies pressure to a bag shaped member, for teaching the external pressurizing unit defined in Claim 1.² The '535 patent discusses that the optional spring 90 attaches to an upper layer of a cover on a printing apparatus 300, and provides positive pressure against a flexible cover 85 aiding toner 81 towards developer 82. Further, the '535 patent discusses that the downward force created by the spring 90 provides just enough force to ensure that the flexible cover 85 collapses as the toner 81 is consumed.³

However, it is respectfully submitted that the '535 patent fails to disclose an external pressurizing unit that applies external pressure to the bag-shaped member at least while the container holding member is at the first position and the second position so that the bag-shaped member shrinks when the contents are being discharged, wherein the external pressurizing unit applies a lower pressure to the bag-shaped member when the container holding member is at the first position than when the container holding member is at the second position. Rather, the '535 patent simply discusses, with respect to Fig. 5, that a new refill cartridge 59 **attaches over the top** of the consumed flexible cover 85. Further, the '535 patent discusses that the refill cartridge 59 includes a pull strip 87 that seals the cartridge during shipment and that, when the pull strip 87 is removed, a knife 52 punctures the consumed flexible cover 85 thereby allowing the new toner in refill cartridge 59 to mix with the remaining old toner 81.⁴ The '535 patent does not disclose moving a container holding member between *a first position* and *a second position*. Thus, the '535 patent does not disclose that an external pressurizing unit (*i.e.*, spring 90) applies external pressure to the bag-shaped member at least *while the container holding member is at the first position and the second position*, and that applies *a lower pressure* to the bag-shaped member *when the*

² See Office Action dated April 7, 2008, page 3.

³ See '535 patent, column 4, lines 14-20.

⁴ *Id.* at column 4, lines 26-34.

container holding member is at the first position than when the container holding member is at the second position.

Thus, no matter how the teachings of the '758 application, the '591 application, and the '535 patent are combined, the combination does not teach or suggest the external pressurizing unit, as defined in Claim 1. Accordingly, it is respectfully submitted that Claim 1 (and all associated dependent claims) patentably defines over any proper combination of the '758 application, the '591 application, and the '535 patent.

Amended Claims 14 and 15 recite limitations analogous to the limitations recited in Claim 1. Moreover, Claims 14 and 15 have been amended in a manner analogous to the amendments to Claim 1. Accordingly, for reasons analogous to the reasons stated above for the patentability of Claim 1, it is respectfully submitted that Claims 14 and 15 patentably define over any proper combination of the '758 application, the '591 application, and the '535 patent.

Amended Claim 16 recites, in part,

increasing a pressure that is applied to the bag-shaped member as the container holding member moves from the first position to the second position.

As noted above, the '758 application, the '591 application, and the '535 patent, alone or in proper combination, fail to disclose the external pressurizing unit recited in Claim 1. Thus, the '758 application, the '591 application, and the '535 patent fail to disclose increasing a pressure, as defined in Claim 16. Accordingly, it is respectfully submitted that Claim 16 patentably defines over any proper combination of the '758 application, the '591 application, and the '535 patent.

Regarding dependent Claims 2-7 and 10-12, the Office Action simply asserts that "[i]t would have been obvious to one of ordinary skill in the art, at the time the invention was made, to provide an apparatus that decreases pressure to a bag shaped toner container

member during removal of the toner container.”⁵ However, Claims 2-7 and 10-12 recite more detailed features of the claimed external pressurizing unit, and it is respectfully submitted that these more detailed features are not disclosed or suggested by the applied references.

Moreover, the Office Action does not provide any evidence as to how the features of those claims are taught by the applied references. For example, it is noted that Claim 2 recites that the external pressurizing unit includes *an arrangement that changes the pressure applied to the bag-shaped member in conjunction with the movement* of the container holding member between the first position and the second position. Further, Claim 3 recites, in part, that the external pressurizing unit includes an arrangement that *moves the external pressurizing unit between a withdrawn position in conjunction with the movement* of the container holding member between the first position and the second position.

Accordingly, should the Examiner wish to maintain the rejections of dependent Claims 2-7 and 10-12, it is respectfully requested that the Examiner provide references disclosing each limitation in every claim. Further, it is respectfully requested that these rejections specifically point out, such as by column and line number, where in each reference each limitation of the claims can be found.

Thus, it is respectfully submitted that independent Claims 1 and 14-16 (and all associated dependent claims) patentably define over any proper combination of the ‘758 application, the ‘591 application, and the ‘535 patent.

⁵ See Office Action dated April 7, 2008, page 4.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

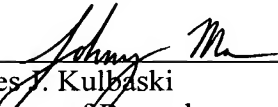
Respectfully submitted,

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